

EXHIBIT C

LARRY ELLISON May 5, 2009
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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

| | | |
|--------------------------------|---|----------------------|
| ORACLE CORPORATION, a |) | |
| Delaware corporation, ORACLE |) | |
| USA, INC., a Colorado |) | |
| corporation, and ORACLE |) | |
| INTERNATIONAL CORPORATION, a |) | |
| California corporation, |) | |
| |) | |
| Plaintiffs, |) | |
| |) | |
| vs. |) | No. 07-CV-1658 (PJH) |
| |) | |
| SAP AG, a German corporation, |) | |
| SAP AMERICA, INC., a Delaware |) | |
| corporation, TOMORROWNOW, |) | |
| INC., a Texas corporation, and |) | |
| DOES 1-50, inclusive, |) | |
| |) | |
| Defendants. |) | |
| |) | |

VIDEOTAPED DEPOSITION OF
LARRY ELLISON

TUESDAY, MAY 5, 2009

HIGHLY CONFIDENTIAL - ATTORNEYS' EYES ONLY

REPORTED BY: HOLLY THUMAN, CSR No. 6834, RMR, CRR
(1-418128)

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EXAMINATION BY MR. HOWARD

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MR. HOWARD: Q. Mr. Ellison, you were

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asked a series of hypothetical questions about

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negotiating with SAP for a license to the

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PeopleSoft, JD Edwards and Siebel intellectual

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property to allow SAP to do what it did in the

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market after January 2005.

13:38:29 17

Do you recall those questions generally?

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A. I do.

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Q. At one point, you said something to the

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effect that if Oracle had agreed to a certain

13:38:37 21

license for PeopleSoft and JD Edwards in January

13:38:40 22

2005, Oracle would not have bought Siebel.

13:38:43 23

Do you recall that answer?

13:38:45 24

A. Yeah. If they had paid us so much money

13:38:48 25

for the -- you know, PeopleSoft and JD Edwards

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13:38:51 1 licenses, they were willing to give us so much
13:38:56 2 money, we -- they might have been able to get us to
13:38:58 3 exit -- you know, exit the application business
13:39:01 4 entirely.

13:39:01 5 Q. Are there other circumstances,
13:39:05 6 hypothetically, that you can imagine where Oracle
13:39:07 7 would have bought Siebel even if it had already
13:39:11 8 entered a license with SAP for the PeopleSoft and
13:39:14 9 JD Edwards IP?

13:39:16 10 A. Yeah. For a smaller amount of money, and
13:39:19 11 license -- you know, license terms somewhat
13:39:22 12 different, but still give them full access to our
13:39:26 13 IP, we would then be in a situation where we'd be
13:39:29 14 competing with -- you know, with SAP and continuing
13:39:32 15 in the applications business.

13:39:33 16 Q. So are there circumstances you can imagine
13:39:36 17 where Oracle still would have bought Siebel if it
13:39:38 18 had licensed PeopleSoft and JD Edwards to SAP?

13:39:40 19 A. Again, the first hypothetical was, they
13:39:43 20 paid us so much money they got us to exit the
13:39:46 21 application business.

13:39:47 22 The second hypothetical is, they're paying
13:39:49 23 us less money for a slightly different license, and
13:39:53 24 we're continuing to compete in the application
13:39:55 25 business. And under those circumstances, we would

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13:39:57 1 have bought SAP.

13:39:58 2 Q. And if you had bought SAP, and even though

13:40:00 3 you had already licensed PeopleSoft and --

13:40:03 4 MR. LANIER: I think you've both misspoken.

13:40:05 5 Just to be efficient here, he had just said he would

13:40:06 6 have bought SAP, which maybe was on your mind, but

13:40:09 7 may not have been what he intended. I hate to

13:40:09 8 interrupt, but --

13:40:11 9 THE WITNESS: I'm sorry. I don't think the

13:40:12 10 Justice Department, which didn't like us buying

13:40:14 11 PeopleSoft, would ever have let us buy SAP.

13:40:17 12 We would have bought Siebel, I apologize.

13:40:19 13 MR. HOWARD: Q. And my question was not a

13:40:22 14 good one. Let me ask it again.

13:40:25 15 If you had bought Siebel --

13:40:28 16 A. Yes.

13:40:28 17 Q. -- and you had already licensed PeopleSoft

13:40:32 18 and JD Edwards to SAP, would you have considered in

13:40:36 19 that circumstance, under some set of conditions,

13:40:42 20 also licensing Siebel to SAP?

13:40:47 21 A. Sure.

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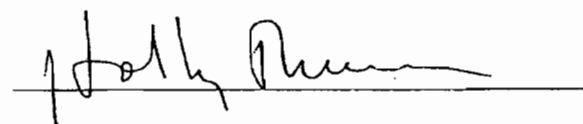
13:40:55 25

1 CERTIFICATE OF REPORTER

2 I, HOLLY THUMAN, a Certified Shorthand
3 Reporter, hereby certify that the witness in the
4 foregoing deposition was by me duly sworn to tell the
5 truth, the whole truth, and nothing but the truth in the
6 within-entitled cause; that said deposition was taken
7 down in shorthand by me, a disinterested person, at the
8 time and place therein stated, and that the testimony of
9 the said witness was thereafter reduced to typewriting,
10 by computer, under my direction and supervision;

11 That before completion of the deposition,
12 review of the transcript ☒ was ☐ was not requested.
13 If requested, any changes made by the deponent (and
14 provided to the reporter) during the period allowed are
15 appended hereto.

16 I further certify that I am not of counsel or
17 attorney for either or any of the parties to the said
18 deposition, nor in any way interested in the event of
19 this cause, and that I am not related to any of the
20 parties thereto.

21
22 DATEDMay 11, 2009.23
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25 HOLLY THUMAN, CSR No. 6834